

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/277,286 03/26/99 STRATHMEYER

C 024/1

EXAMINER

WM01/0703

KAPLAN AND GILMAN LLP
900 ROUTE 9 NORTH
WOODBRIDGE NJ 07095

AGDEPPA, H
ART UNIT PAPER NUMBER

2642

DATE MAILED:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | | |
|------------------------------|-------------------------------|--------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/277,286 | STRATHMEYER ET AL. | |
| | Examiner Hector A. Agdeppa | Art Unit 2642 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 April 2001 .

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 3-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 3-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____ .

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 20) Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 and 3 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flisik et al. in view of Farris et al.

Regarding claims 1, 4, and 8, Flisik et al. teaches a telephony controller as described and admitted to be prior art by Applicant.

What Flisik et al. does not teach is the ability of the telephony controller to control more than one PBX at a time, nor does it teach the ability to interact with telephony environments other than PBX's or the like.

However, it would have been obvious to one skilled in the art to have improved upon Flisik et al. by implementing access to various other telephony environments as well as access to multiple environments concurrently, instead of configuring or providing access to only one type of PBX at a time, based on the natural tendencies of the technology, as well as the common motivations of easier operation and saving time.

Furthermore, Farris et al. teaches a system and method for providing access to a variety of telephony environments including the internet, PSTN, other packet data networks, LEC's, multimedia services such as video, etc. as a result of a subscriber application being used and sending therefrom, a message, to a switching controller system contained within a Controlled Environmental Vault (CEV) 18, for selecting a certain one of the above-mentioned telephony applications. (See Abstract, Fig. 1, Col. 5, lines 31 – 47, Col. 7, lines 40 – 45, and Col. 8, line 51 – Col. 10, line 53)

It would have been obvious to one skilled in the art to have combined Flisik et al. and Farris et al. as already discussed and furthermore, to relieve traffic load and decision making ahead of the central or end office or switching environment as noted in Col. 4 of Farris et al.

Regarding claims 3 – 7, and 9, Flisik et al. and Farris et al. have been discussed above.

Furthermore, Flisik et al. teaches being able to change a PABX interface or configure a control module 58 and converter control 56 for choosing a proper PABX interface dependent on the telephony environment, wherein the telephony environment could include various PABXs from various vendors. (Col. 3, lines 37 – 50 and Col.

11, lines 4 – 21 and Col. 12, lines 43 – 59) Furthermore, screen pop applications and accessing account information, table look-ups, displaying information on a computer screen are all very well known and inherent in Flisik et al. as Flisik teaches the ability for a user to configure the telephony controller which necessitates some version of a setup menu or GUI for interacting with the telephony controller. (Col. 1, lines 46 – 61) Even if one were to consider manual configuration of the telephony controller and perhaps physically swapping PABX interfaces for another type, Farris et al. teaches the above features for example in using the Internet and broadband services, AINs, call center applications, etc. (Col. 8, line 51 – Col. 10, line 53)

Regarding claim 10, Flisik et al. and Farris et al. have been discussed above.

Furthermore, database driven applications are very well known in the art and are inherent in the invention of Flisik et al. in that Flisik et al. teaches applications including call routing (Col. 5, line 48 – Col. 6, line 3) and it is inherent in that database driven applications would be included as part of the call routing applications. Furthermore, database driven applications would be inherent in those features discussed above and specific reference is even made to database driven applications in Farris et al. (Col. 8, line 51 – Col. 9, line 58)

Response to Arguments

Applicant's arguments with respect to claims 1 and 3 –10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5858 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
June 28, 2001


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600